

LAW OFFICES OF  
**PAUL, HASTINGS, JANOFSKY & WALKER LLP**

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ROBERT P. HASTINGS (1910-1996)  
COUNSEL  
LEE G. PAUL  
LEONARD S. JANOFSKY  
CHARLES M. WALKER

1299 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, D.C. 20004-2400

TELEPHONE (202) 508-9500

FACSIMILE (202) 508-9700

INTERNET [www.phjw.com](http://www.phjw.com)

600 PEACHTREE ST., N.E., STE. 2400  
ATLANTA, GEORGIA 30308-2222  
TELEPHONE (404) 815-2400

695 TOWN CENTER DRIVE  
COSTA MESA, CALIFORNIA 92626-1924  
TELEPHONE (714) 668-6200

555 SOUTH FLOWER STREET  
LOS ANGELES, CALIFORNIA 90071-2371  
TELEPHONE (213) 683-6000

399 PARK AVENUE  
NEW YORK, NEW YORK 10022-4697  
TELEPHONE (212) 318-6000

343 SANSOME ST., STE. 1220  
SAN FRANCISCO, CALIFORNIA 94104-1303  
TELEPHONE (415) 445-7777

1055 WASHINGTON BOULEVARD  
STAMFORD, CONNECTICUT 06901-2217  
TELEPHONE (203) 961-7400

1299 OCEAN AVENUE  
SANTA MONICA, CALIFORNIA 90401-1078  
TELEPHONE (310) 319-3300

ARK MORI BUILDING, 30TH FLOOR  
12-32, AKASAKA 1-CHOME  
MINATO-KU, TOKYO 107, JAPAN  
TELEPHONE (03) 3586-4711

March 27, 1998

WRITER'S DIRECT ACCESS  
(202) 508-9530

OUR FILE NO.

**VIA MESSENGER**

**DOCKET FILE COPY ORIGINAL**

**RECEIVED**

**MAR 27 1998**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

**Re: Comments of AirTouch Paging in CC Dockets Nos. 95-20 and 98-10: In the Matter of *Computer III* Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services and 1998 Biennial Regulatory Review — Review of *Computer III* and ONA Safeguards and Requirements**

Dear Ms. Salas:

On behalf of AirTouch Paging ("AirTouch"), we submit herewith for filing an original and eleven copies of Comments in the above-referenced proceeding.

We also enclose an extra copy of this transmittal letter, which is to be date stamped and returned in the envelope provided. Should any questions arise regarding this submission, please contact AirTouch's undersigned legal counsel.

Respectfully submitted,



Michelle W. Cohen  
for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosure

No. of Copies rec'd 0 + 11  
LIST ABOVE

PAUL, HASTINGS, JANOFSKY & WALKER LLP

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
March 27, 1998  
Page 2

Courtesy Copies:

Ms. Janice Myles, with diskette containing Comments  
Federal Communications Commission  
Common Carrier Bureau

International Transcription Service

RECEIVED

MAR 27 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
AirTouch Paging

March 27, 1998

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
<i>Computer III</i> Further Remand Proceedings:	)	CC Docket No. 95-20
Bell Operating Company	)	
Provision of Enhanced Services	)	
	)	CC Docket No. 98-10
1998 Biennial Regulatory Review —	)	
Review of <i>Computer III</i> and ONA	)	
Safeguards and Requirements	)	

COMMENTS OF AIRTOUCH PAGING

Mark A. Stachiw, Esquire  
Vice President, Senior Counsel  
and Secretary  
AirTouch Paging  
Three Forest Plaza  
12221 Merit Drive  
Suite 800  
Dallas, TX 75251  
(972) 860-3200

Carl W. Northrop  
Michelle W. Cohen

Its Attorneys

PAUL, HASTINGS, JANOFSKY  
& WALKER LLP  
1299 Pennsylvania Ave, N.W.  
Tenth Floor  
Washington, D.C. 20004  
(202) 508-9500

March 27, 1998

**RECEIVED**

**MAR 27 1998**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
AirTouch Paging  
March 27, 1998**

## **SUMMARY**

The Commission should retain the requirement that BOCs with CEI approvals continue to offer enhanced services under the CEI requirements, and should not eliminate the CEI plan and approval requirement for new information services. AirTouch Paging's experience with Ameritech, which has restricted an enhanced service offering solely to customers who take paging service from Ameritech's paging company affiliate, demonstrates the continued need for the CEI plan protections while BOCs remain dominant in local exchange markets. Although certain provisions of the Telecommunications Act should guard against this type of conduct, the fact that BOCs continue to engage in anti-competitive conduct in the offering of enhanced services a full two years after passage of the Telecommunications Act establishes the necessity for CEI plan safeguards.

## TABLE OF CONTENTS

I. INTRODUCTION AND BACKGROUND .....	1
II. DISCUSSION .....	3
III. CONCLUSION .....	6

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
<i>Computer III</i> Further Remand Proceedings:	)	CC Docket No. 95-20
Bell Operating Company	)	
Provision of Enhanced Services	)	
	)	CC Docket No. 98-10
1998 Biennial Regulatory Review —	)	
Review of <i>Computer III</i> and ONA	)	
Safeguards and Requirements	)	

**COMMENTS**

AirTouch Paging ("AirTouch"), by its attorneys and pursuant to Sections 1.415 and 1.419 of the Commission's Rules,<sup>1/</sup> hereby submits its comments on the *Further Notice of Proposed Rulemaking* (the "*Notice*")<sup>2/</sup> adopted in the captioned proceeding. The following is respectfully shown:

**I. INTRODUCTION AND BACKGROUND**

1. AirTouch, which provides wireless messaging services throughout the United States, has an interest in this proceeding because it has first-hand experience with discrimination by a Bell Operating Company ("BOC") in the BOC's provisioning of enhanced services pursuant to an existing CEI plan.

2. The *Notice* indicates that, among other proposals, the Commission is considering eliminating the requirement that the BOCs file CEI plans and obtain

---

1/ 47 C.F.R. §§ 1.415, 1.419.

2/ FCC 98-8, released Jan. 30, 1998.

Common Carrier Bureau (the "Bureau") approval for those plans prior to providing new information services.<sup>3/</sup> The *Notice* also seeks comment on the related issue of whether the Commission should require a BOC with CEI approval to continue to offer service under the CEI requirements.<sup>4/</sup> AirTouch opposes both of these proposals. As described in greater detail below, based on AirTouch's experience with Ameritech, CEI plans are still necessary to guard against anti-competitive conduct by the BOCs in their offering of enhanced services.

3. Specifically, Ameritech offers a voice messaging service to its telecommunications customers, which service permits subscribers to receive notification of their voice messages through, among other things, notifications on their pagers (the "Pager Notification" service).<sup>5/</sup> In the past, consistent with the Ameritech CEI Plan, AirTouch's paging customers who subscribe to Ameritech's telecommunications services could order and receive the Pager Notification service apart from being required to purchase paging services from the Ameritech affiliate.

4. Beginning in January 1997 (and continuing to this date), Ameritech unilaterally denied the availability of the Pager Notification service to Ameritech customers wishing to receive paging services from third parties. Ameritech refused and continues to refuse to establish Pager Notification for its telecommunications customers from Ameritech's Centrex and other exchange products unless those customers obtain

---

3/ *Notice*, ¶ 60.

4/ *Id.*, ¶ 75.

5/ The Pager Notification service is set forth in a CEI Plan filed with the Commission. See "Ameritech's Plan to Provide Comparably Efficient Interconnection to Providers of Voice Mail Messaging Service," filed with the Commission on Mar. 13, 1995 ("Ameritech CEI Plan").

paging services from Ameritech affiliate Ameritech Mobile Services ("AMS"). Thus, AirTouch's subscribers cannot obtain the Pager Notification service.

5. AirTouch subsequently received inquiries from its customers who wanted the Pager Notification service but could not obtain the service. After reviewing the applicable regulatory requirements, AirTouch concluded that, among other things, Ameritech was in violation of its non-discrimination CEI plan requirements.<sup>6/</sup>

6. On December 15, 1997, AirTouch notified Ameritech that its provisioning of Pager Notification service only to customers who subscribe to affiliate AMS was in violation of Ameritech's CEI Plan requirements and the non-discrimination duties thereunder (copy attached). AirTouch requested, but to date has not received, a response from Ameritech. The Pager Notification service continues to be limited to customers who take service from AMS.

## II. DISCUSSION

### **CEI PLANS ARE STILL NEEDED TO PROTECT AGAINST BOCS' ANTI-COMPETITIVE CONDUCT IN THE OFFERING OF ENHANCED SERVICES.**

7. An essential goal of the *Notice* is "to establish safeguards for BOC provision of enhanced or information services that make common sense in light of current technological, market, and legal conditions."<sup>7/</sup> With that aim in mind, the

---

<sup>6/</sup> AirTouch sought to obtain a copy of Ameritech's CEI Plan for voice messaging from the Commission. Bureau staff could not locate a copy of the original CEI Plan, and reportedly made a telephone inquiry to Ameritech to forward a copy to the Bureau. Several weeks later, Bureau staff obtained a copy of the CEI plan and provided it to AirTouch (copy attached).

<sup>7/</sup> *Notice*, ¶ 1.



Commission should retain the requirement that BOCs with CEI approvals continue to offer enhanced services under the CEI requirements, and should not eliminate the CEI plan and approval requirement for new information services. As demonstrated by Ameritech's conduct in its offering of the Pager Notification service, BOCs can continue to use their dominant position in the local exchange and exchange access markets to engage in anti-competitive behavior — despite certain provisions in the Telecommunications Act of 1996 that should guard against such conduct.<sup>8/</sup>

8. The *Notice* acknowledges that "competition will not immediately supplant monopolies,"<sup>9/</sup> and that, consequently, the Telecommunications Act's safeguards "do not explicitly displace the safeguards established by the Commission in the *Computer II*, *Computer III*, and ONA proceedings."<sup>10/</sup> At least until BOCs cease to be dominant in their markets, the CEI plan safeguards remain integral to protecting against BOC's heavy-handed tactics in marketing enhanced service offerings. CEI Plans set forth in a clear, concise manner, a BOC's obligations in offering enhanced services. Competing providers and customers can then ascertain these duties and determine whether a BOC's actions comport with the requirements set forth in the CEI Plan.<sup>11/</sup>

---

8/ See, e.g., 47 U.S.C. § 260 (prohibiting discrimination in the provision of telemessaging); 47 U.S.C. § 251 (mandating non-discriminatory access to network elements).

9/ *Notice*, ¶ 5.

10/ *Id.*

11/ The Ameritech CEI Plan states that "Ameritech's installation, maintenance and repair procedures preclude discrimination among any of Ameritech's customers." By provisioning Pager Notification only to those Ameritech customers who take paging services from AMS, Ameritech is discriminating in the installation of the Pager

(continued...)

9. AirTouch's (and other paging carriers') experiences with Ameritech clearly exemplifies the continuing real abuses in a BOC's offering of enhanced telemessaging services. In Ameritech's service areas, the majority of customers who subscribe to AirTouch Paging obtain telecommunications services from Ameritech. Ameritech's discriminatory practice, in essence, tells customers: "if you want to be notified of your voice mails on your pager, you must take paging service only from affiliate AMS." Although there may be competitive local exchange carriers in Ameritech regions, while Ameritech remains dominant the CEI Plan is needed for exactly the reason it was intended — "to prevent discrimination by the BOCs in the provision of specific enhanced services."<sup>12/</sup>

10. Finally, the *Notice* seeks comment on whether certain of the Commission's current *Computer III* and ONA rules are "no longer necessary in the public interest," as part of the Commission's comprehensive 1998 biennial review of telecommunications and other regulations.<sup>13/</sup> The *Notice* recognizes that "until full competition is realized, certain safeguards may still be necessary."<sup>14/</sup> As demonstrated by AirTouch's experience with Ameritech, the CEI plan requirement continues to be in the public interest because the requirement is needed to protect against BOC conduct in the provisioning of enhanced services that discriminates against competing ISP

---

11/(...continued)

Notification service and is using its position in a monopoly market — local telecommunications — to further its sales in a competitive line of business — paging.

12/ *Filing and Review of Open Network Architecture Plans*, 4 FCC Rcd 1, 12 (1988).

13/ *Notice*, ¶ 6.

14/ *Id.*, ¶ 7.

providers and consumers. Until full, meaningful competition is established, the CEI plan safeguard is critical to ensuring that consumers' enhanced services options are not limited by BOC strong-arm tactics, and that non-BOC affiliated ISPs have a level playing field.

### III. CONCLUSION

WHEREFORE, for the foregoing reasons, AirTouch Paging respectfully requests that the Commission retain the CEI Plan requirements consistent with these comments.

Respectfully submitted,

AIRTOUCH PAGING

By: Mark A. Stachiw (mre)  
Mark A. Stachiw, Esquire  
Vice President, Senior Counsel  
and Secretary  
AIRTOUCH PAGING  
Three Forest Plaza  
12221 Merit Drive  
Suite 800  
Dallas, TX 75251  
(972) 860-3200

By: Michelle W. Cohen  
Carl W. Northrop  
Michelle W. Cohen

Its Attorneys

PAUL, HASTINGS, JANOFSKY  
& WALKER LLP  
1299 Pennsylvania Ave, N.W.  
Tenth Floor  
Washington, D.C. 20004  
(202) 508-9500

March 27, 1998

**RECEIVED****MAR 13 1995**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
Bell Operating Companies' )  
Joint Petition for Waiver of )  
Computer II Rules )

AMERITECH'S PLAN TO PROVIDE COMPARABLY EFFICIENT  
INTERCONNECTION TO PROVIDERS OF  
VOICE MAIL MESSAGING SERVICE

Frank Michael Panek

Attorney for Ameritech  
Room 4H84  
2000 W. Ameritech Center Drive  
Hoffman Estates, Illinois 60196  
(708) 248-6064

Dated: March 13, 1995

001.25.1331 4.22

TABLE OF CONTENTS

(Voice Mail Messaging Service)

	PAGE
I. Introduction and Summary .....	1
II. Description of Services .....	2
A. Call Answering and Notification.....	3
B. Two Way Messaging.....	3
C. Pager Notification.....	4
D. Shared Mailboxes.....	4
III. CEI Parameters.....	4
A. Interface Functionality.....	4
B. Unbundling of Basic Services .....	4
C. Resale.....	5
D. Technical Characteristics .....	5
E. Installation, Maintenance and Repair.....	6
F. End User Access.....	6
G. CEI Availability.....	7
H. Minimization of Transport Costs.....	7
I. Recipients of CEI .....	7
IV. Other Safeguards.....	7
A. Non-Discrimination Reporting.....	7
B. Customer Proprietary Network Information ("CPNI") .....	8
C. Network Disclosure.....	8
D. Allocation of Joint and Common Costs.....	8
V. Conclusion .....	8

RECEIVED

MAR 13 1995

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
Bell Operating Companies' )  
Joint Petition for Waiver of )  
Computer II Rules )

AMERITECH'S PLAN TO PROVIDE COMPARABLY EFFICIENT  
INTERCONNECTION TO PROVIDERS OF THE  
VOICE MAIL MESSAGING SERVICE

I. Introduction and Summary

Ameritech respectfully submits this plan to provide Comparably Efficient Interconnection to other vendors of voice mail messaging service, as required by the Memorandum Opinion and Order<sup>1</sup> released January 11, 1995 by the Federal Communications Commission ("the Commission") in the above-captioned matter. By that Order, the Commission granted waivers, pending remand proceedings on its Computer III rules, permitting the Bell Operating Companies ("BOCs") to continue offering existing enhanced services pending approval of Comparably Efficient Interconnection ("CEI") plans to be filed within 60 days of the Order's effective date.<sup>2</sup> Ameritech intends to continue offering voice mail messaging service as described herein, pending Commission approval of this CEI plan. The plan fully demonstrates

---

<sup>1</sup>In the Matter of Bell Operating Companies' Joint Petition for Waiver of Computer II Rules, Memorandum Opinion and Order, DA 95-36 ("Order"), released January 11, 1995.

<sup>2</sup>Order, ¶ 30.

how Ameritech will continue to comply with each of the Commission's CEI requirements. Thus, timely approval of this plan is appropriate.<sup>3</sup>

## II. Description of Services

Ameritech's Voice Mail Messaging Service ("AVMS"), which is similar to services offered by unaffiliated enhanced service providers, utilizes a Voice Mail Platform ("VMP"), which allows subscribers to leave, answer and retrieve voice messages, and to notify subscribers of messages available for retrieval. Subscribers may perform various message handling functions including review, store, scan, forward and message deletion. This is a centrally located computer-based telephone answering service which works in conjunction with individual exchange access line services or on a stand-alone basis. All of the features and services delivered by Ameritech's Voice Mail Messaging Service utilize underlying basic services that are available at the same rates, and on the same terms and conditions, as providers of competing services.

Ameritech's Voice Mail Messaging allows Ameritech to provide a variety of messaging services through either dial-in access or call forwarding arrangements. Voice Mail calls can be delivered to the VMP via Multi Line Hunt Groups, which are used for voice transmissions, and Station Message Desk Interface data links, which transmit call history and message waiting

---

<sup>3</sup>The Commission has indicated that CEI plans covering existing enhanced services will be deemed approved in ninety days unless the Commission notifies the BOC otherwise (Order, ¶ 30b).

information. Calls may also be delivered via Direct Inward Dialing (DID) trunk groups, which provide both voice transmission and DTMF signaling. Identified Outward Dialing trunks are also used to perform outward forwarding and notification capabilities. Subscribers may dial directly or be forwarded to the VMP by an assigned host switch, which translates the call's destination and routes it to the appropriate Voice Mail System. The voice messaging functions that Ameritech currently offers include the following:

A. Call Answering and Notification

This function performs automated telephone answering for a subscriber whose line is busy, is not answered within a prescribed number of rings, or is forwarded directly into the service. The caller has the ability to prioritize delivery of messages and the subscriber may be notified of a waiting message by a stutter dial tone, a message waiting lamp, or a personal pager (See section 3). Messages may be retrieved by the subscriber from any touch-tone telephone. Multiple telephone numbers can be answered by the same mailbox through a transfer mailbox on Ameritech's Voice Messaging Platform.

B. Two Way Messaging

Two-way messaging provides the ability to send messages between subscribers on the same voice messaging platform without dialing a telephone number. It also provides a help feature which transfers an incoming caller to an attendant if desired.



### C. Pager Notification

This function provides remote message notification by means of a call to the subscriber's paging service to alert them of waiting messages.

### D. Shared Mailboxes

Provides the ability for multiple users to share one main mailbox.

## III. CEI Parameters

### A. Interface Functionality

Both Ameritech's Voice Mail Messaging Service and competing services of other enhanced service providers access the network through existing standard line and trunk network interfaces. Customers may reach the service through any voice-grade connection. No special interfaces, signaling, abbreviated dialing, derived channels or other capabilities are used to provide end-user access to Ameritech's Voice Mail Messaging Service. All access arrangements are available to Ameritech and all other providers of competing services at the same rates, and on the same terms and conditions. Several arrangements are available in tariffed form or through published price lists or catalogs, as appropriate to each jurisdiction served by Ameritech.

### B. Unbundling of Basic Services

The basic services currently used in providing Ameritech's Voice Mail Messaging Service are listed and described in Exhibit A. All such basic services are available to affiliated and non-affiliated enhanced service providers at the same rates, and on the same term, and conditions. These

services are available on an unbundled basis from tariffs, price lists or catalogs, as appropriate in each jurisdiction served by Ameritech.

For the purpose of this CEI plan, in any jurisdiction where Ameritech utilizes any new basic services for its Voice Mail Messaging Service, those services will be available for use by competing providers on an unbundled basis no later than the time they are available for use in providing Ameritech's Voice Mail Messaging Service.

#### C. Resale

Ameritech's Voice Messaging Service obtains all needed underlying basic services at tariffed, catalog, or price list rates, adds the voice messaging enhancements, and provides the resulting enhanced service on a deregulated basis.

#### D. Technical Characteristics

Interconnection to Ameritech's Voice Mail Messaging Service is accomplished through existing standard network interfaces. These line and trunk interfaces support identical transmission, switching and signaling functions for voice messaging services offered by Ameritech and other competitive enhanced service providers. Thus, the technical characteristics of the underlying interfaces used by Ameritech in providing these enhanced services are identical in their transmission parameters, quality, reliability and other characteristics to those available to nonaffiliated competitors who use them in providing the same or similar enhanced services.

Ameritech will continue to file annual affidavits attesting that proper procedures have been followed and that no discrimination has in fact occurred.

E. Installation, Maintenance and Repair

✓ Ameritech's installation, maintenance and repair procedures preclude discrimination among any of Ameritech's customers. The practices followed by Ameritech's employees are so sufficiently automated that any systematic discrimination in the installation or maintenance of services would be both extremely difficult and highly unlikely.<sup>4</sup> In addition, Ameritech will continue to file annual reports demonstrating that no such discrimination has, in fact, occurred.

F. End User Access

End Users access Ameritech's Voice Mail Messaging Service through tariffed services previously identified in Exhibit A. The operational characteristics of end-user access will be identical to that used by end users to reach any other provider's voice messaging service, in compliance with Commission requirements. No unique abbreviated dialing or signaling arrangements, and no special derived channel access arrangements will be associated with these services.

---

<sup>4</sup>A detailed description of Ameritech's practices is provided in Attachment B hereto. No formal FCC complaint has ever been filed regarding such discrimination by Ameritech against any competing enhanced service provider.

#### G. CEI Availability

Ameritech's Voice Mail Messaging Service utilizes access arrangements that are also available at the same rates, and on the same terms and conditions, to competitive enhanced service providers.

#### H. Minimization of Transport Costs

Interconnection to all facilities used to provide the underlying basic services is under tariffed, catalog, or price list arrangements, and is thus available at the same rates, and on the same terms and conditions, to both affiliated and nonaffiliated providers of voice mail messaging services. As other configurations and serving arrangements are requested and/or become technically feasible, Ameritech will work in good faith with customers to develop and implement techniques which minimize transport costs.

#### I. Recipients of CEI

Availability of the underlying basic services is not limited to any class of customer or service provider. All such services are available to all users for any lawful purpose.

### IV. Other Safeguards

#### A. Non-Discrimination Reporting

Ameritech will continue to track, compare and report on a quarterly basis the installation and maintenance intervals for basic services provided to its affiliated voice mail messaging services provider and to a sample of all of Ameritech's non-affiliated customers subscribing to those

services. These reports will demonstrate that no discrimination in these intervals has in fact occurred.

B. Customer Proprietary Network Information ("CPNI")

Ameritech will continue to fully comply with all Commission rules and requirements regarding the use of CPNI. Copies of relevant documents are provided in Attachment C hereto.<sup>5</sup>

C. Network Disclosure

Since interconnection between Ameritech's voice mail messaging services and the underlying basic services is accomplished in all cases through existing, published standard network interfaces, neither changes to existing network interface specifications nor publication of any new interfaces is required.

D. Allocation of Joint and Common Costs

All joint and common costs will continue to be allocated pursuant to the Commission's rules, as reported in Ameritech's Part 64 Cost Allocation Manual.<sup>6</sup>

V. Conclusion

Since this pleading fully complies in every regard with the Commission's stated requirements for approval of a service-specific CEI plan

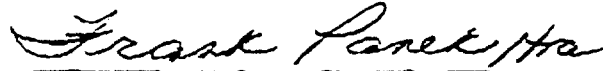
---

<sup>5</sup>Included in Attachment C are copies of (1) the 1994 annual notification letter regarding customers' rights to restrict use of their CPNI, (2) the accompanying consent form permitting or restricting use of the customer's CPNI for purposes of enhanced services marketing, and (3) excerpts from the practice distributed to customer contact personnel regarding the associated rules.

<sup>6</sup>Ameritech's Cost Allocation Manual was most recently amended February 3, 1995.

under its interim waiver procedures,<sup>7</sup> timely approval of this Plan covering voice mail messaging services is respectfully requested.

Respectfully submitted,



Frank Michael Panek  
Attorney for Ameritech  
Room 4H84  
2000 West Ameritech Center Drive  
Hoffman Estates, IL 60196-1025  
Telephone: (708) 248-6064

Dated: March 13, 1995

---

<sup>7</sup>Order, ¶¶ 22-3



Mark A. Stachiw  
Vice President, Senior Counsel  
and Secretary

AirTouch Paging  
Three Forest Plaza  
12221 Merit Drive, Suite 800  
Dallas, Texas 75251-2243

Telephone: (972) 860-3212  
Facsimile: (972) 860-3552  
Internet:  
mark.stachiw@pg.airtouch.com

SENT VIA FACSIMILE

December 15, 1997

Mr. Mark Ortlieb, Esq.  
Ameritech  
225 West Randolph Street  
Floor 27B  
Chicago, Illinois 60606

Re: Pager Notification

Dear Mr. Ortlieb:

We understand that Ameritech offers a voice messaging service to its telecommunications customers. This service permits subscribers to receive notification of voice messages through, among other things, notifications on their pagers (the "Pager Notification" service). See, e.g., "Ameritech's Plan to Provide Comparably Efficient Interconnection to Providers of Voice Mail Messaging Service," filed with the Federal Communications Commission on March 13, 1995 ("Ameritech CEI Plan"). In the past, consistent with the Ameritech CEI Plan, the Pager Notification service was available to those Ameritech customers who subscribed to paging service from AirTouch Paging, and other paging carriers, as well as those customers who subscribed to paging services offered by your affiliate, Ameritech Mobile Services ("AMS").

However, since January 1997, Ameritech has refused to establish Pager Notification from Ameritech's Centrex and other exchange products to any paging company other than affiliate AMS (with the possible exception of certain "grandfathered" customers). Thus, Ameritech is denying the Pager Notification service to those customers who do not take their paging service from affiliate AMS.

FCC rules mandate that RBOCs such as Ameritech are only permitted to provide intraLATA information services (including voice-mail services) subject to certain non-discrimination safeguards (e.g., Computer III, CEI Plan requirements). These non-discrimination requirements continue to govern Ameritech's provision of intraLATA voice-mail services. Ameritech's practice of provisioning its

Pager Notification service only to those customers who subscribe to an affiliated carrier is in violation of the Ameritech CEI Plan. Specifically, Ameritech's CEI Plan states, among other things, that the Pager Notification function "provides remote message notification by means of a call to the subscriber's paging service to alert them of waiting messages." Ameritech CEI Plan at 4 (emphasis added).

Thus, pursuant to the CEI Plan approved by the Federal Communications Commission (the "FCC"), Ameritech must allow Pager Notification to any paging service to which Ameritech customers subscribe, including the paging services offered by AirTouch Paging. Moreover, the CEI Plan also states that "Ameritech's installation, maintenance and repair procedures preclude discrimination among any of Ameritech's customers."

Id. at 6. Thus, the CEI Plan that the FCC passed on and approved (and through which Ameritech is allowed to provision the intraLATA voice mail service) mandates that Ameritech not discriminate among its customers in the installation of the voice messaging services provided in the Ameritech CEI Plan. By provisioning Pager Notification only to those Ameritech customers who take paging service from Ameritech's affiliated paging provider, Ameritech is, in fact, discriminating among its customers in the installation of the Pager Notification service.

Based upon the foregoing, Ameritech is obligated to provide, on request, the Pager Notification function to AirTouch Paging customers who subscribe to the Ameritech voice mail service. You should be advised that FCC staff have informally advised AirTouch Paging that Ameritech cannot restrict the offering of its Pager Notification to a particular class of customer that subscribes to an affiliated paging carrier. To do so is in violation of the CEI Plan and the non-discrimination duties thereunder.

In addition, Ameritech's practice of provisioning its Pager Notification only to those customers who subscribe to an affiliated carrier is prohibited by several provisions of the Telecommunications Act of 1996, including (but not limited to): the Section 251 mandate to provide non-discriminatory access to a "network element" at a technically feasible point; and the section 251 requirement to allow a method of interconnection to AirTouch Paging, a telecommunications carrier. In particular, regarding the network element requirement, United States Court of Appeals for the Eighth Circuit recently recognized the broad definition of the term "network element." The Eighth Circuit further upheld the FCC's interpretation of that term to include features similar to the feature at issue here. See, e.g., Iowa Public Utilities Board v. Federal Communications Commission, 1997 U.S. App. LEXIS 18183.

As set forth herein, Ameritech's restricting of

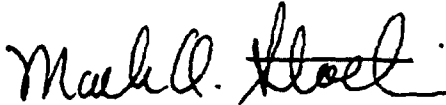


its Pager Notification service involves serious transgressions of federal law. In addition, this discriminatory, restrictive and anticompetitive practice calls into question Ameritech's commitment to open the telecommunications markets to competition, and would not be viewed lightly by federal regulators or a federal court, especially in light of Ameritech's attempts to enter the in-region, interLATA market.

AirTouch Paging therefore demands that Ameritech immediately provision, upon request, Ameritech's Pager Notification service to customers of AirTouch Paging. If Ameritech continues to violate federal law, AirTouch Paging will take appropriate action in a federal forum.

Please advise me at your earliest convenience of when Ameritech will begin providing its Pager Notification service to AirTouch Paging customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Stachiw". The signature is fluid and cursive, with a prominent "M" and "S".

MARK A. STACHIW